

15.03.2023
Sl. No.23
akd
[ALLOWED]

C. R. M. (DB) 926 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.03.2023 in connection with English Bazar Women Police Station Case No.99 of 2022 dated 29.04.2022 under Sections 448/376D/120B/506 of the Indian Penal Code.

And

In Re: ***Sumit Karmakar @ Jhantu & Ors.***

... .. Petitioners

Mr. Rana Mukhopadhyay
Mr. Riddhiman Mukherjee

... .. for the petitioners

Mr. Joydeep Roy .. Jr. Govt. Advocate
Mrs. Sujata Das

... .. for the State

Petitioners renew their prayer for bail. It is submitted on behalf of the petitioners that they are in custody for more than 300 days. It is further submitted victim has not supported the prosecution case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the evidence of the victim who was examined as PW1. She did not support the prosecution case of gang rape. Medical report also does not show injuries on her body. In view of the aforesaid change in circumstance and the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely ***(1) Sumit Karmakar @ Jhantu & (2) Biswajit Pramanik @ Krishna***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court, Malda subject to condition that the said petitioners shall appear before the trial court on every date of hearing until further orders and

shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)